

LESSON 1

What Is the Difference between Authority and Power Without Authority?

Purpose of Lesson

This lesson explains the definition of authority that we will use in this course of study. When you have completed this lesson, you should be able to explain the difference between authority and power without authority.

Terms to Know

authority
kangaroo court
power
paramilitary

Critical Thinking Exercise

DISTINGUISHING BETWEEN AUTHORITY AND POWER WITHOUT AUTHORITY

Read the news story below adapted from the July 6, 1993 edition of *The Wall Street Journal* and then answer the "What do you think" questions. Be prepared to share your answers with the class.

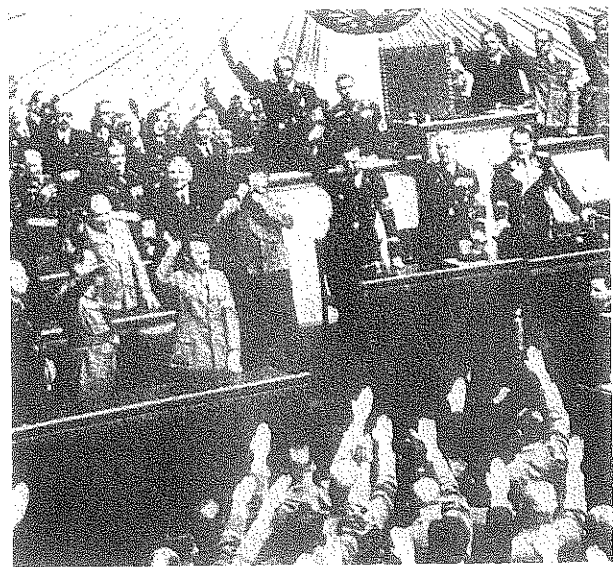
Vigilante Justice in Northern Ireland

By Tony Horwitz

Staff Reporter of THE WALL STREET JOURNAL

BELFAST, Northern Ireland — The kneecappers caught up with Eddie Kane outside a candy shop, in a Catholic/Protestant war zone known as "Murder Mile." Tossing a hood over his head, two masked men questioned Mr. Kane about an assault on one of their mates. Then they forced him to lie face down and pressed a gun to the back of his leg.

"Kneecapping" in Northern Ireland dates back to the beginnings of the civil strife—known here as "the Troubles"—in 1969. At first an IRA (Irish Republican Army) punishment for informers, kneecapping has come to cover a range of alleged crimes.



Do you think the government of Nazi Germany exercised authority or power without authority?

There is a circular argument used to justify kneecapping. It goes as follows: The Troubles have caused citizens, Catholics in particular, to consider the police as enemies. Indeed, because paramilitary groups often ambush police, law-enforcement groups do have trouble combating ordinary crime. So, if someone steals your car, don't call the police (and risk being branded an informer). Call the "Provos"—the IRA—or, if you are a Protestant, call loyalist groups such as the Ulster Freedom Fighters, who will take action.

"Kneecapping is brutal, but what are you supposed to do?" Asks Maureen McGuire, a Catholic mother of two sons, aged seven and eight. Like many of her neighbors, she says "hoods" are running amok and police "won't or can't come get them."

Kneecapping has thus assumed the aura of a shadow legal system. People call it "rough justice," meted out by gunmen known as "circuit judges," who sometimes hold kangaroo courts. Defendants are found guilty of "antisocial behavior." Sentences are tailored to the misdeed. Minor miscreants—pot-smokers, say—will be warned. On second offense they will be beaten or shot through the calf or thigh. More serious offenders get a bullet through the knee. If they don't reform, they are shot again, through several limbs.

"Crimes" now deemed to merit kneecapping include failure to pay dues to paramilitary groups.

While police in Belfast are indeed hampered by public distrust, by their fear of booby traps, and by the need to patrol inside armor-plated jeeps, constables hardly overlook common crime. In recent months police have arrested a number of those kneecapped as lawbreakers. Many are now awaiting trial in the local courts.

The police have also begun a program to investigate the kneecappers themselves for taking matters of law enforcement in their own hands and for conducting kangaroo courts.

The police have made a number of arrests and several former vigilantes await their day in a court of law.

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What do you think?

1. Who in the news article is using power?
2. What is the difference between the use of power by paramilitary groups to punish suspected criminals and the use of power by government to punish suspected criminals through the court system?
3. How does the "shadow legal system" of kneecapping differ from an established legal system of police and courts? How is it similar to an established legal system?

Power or Authority?

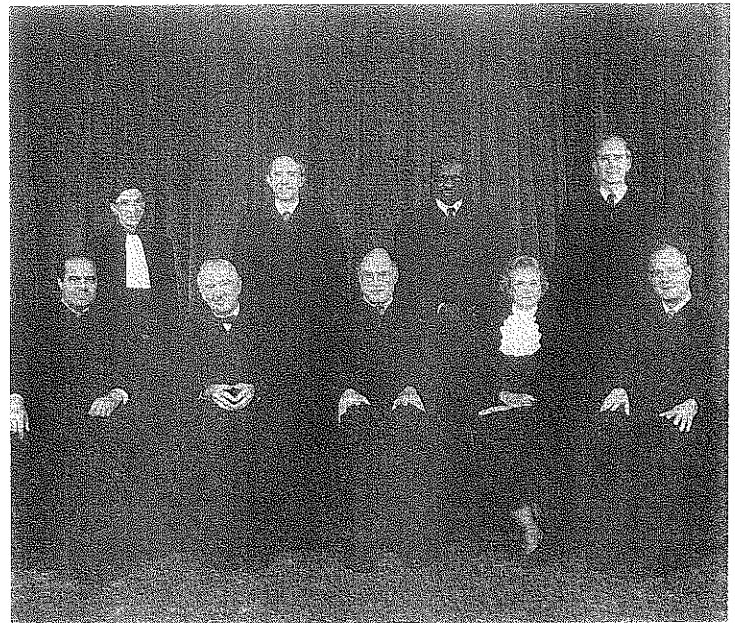
The exercise you have just completed raises questions of power and authority. The distinction between the two ideas is important. You may have been in situations where someone used power to force you to do something against your will. Sometimes that person may have had the **right** to do so; other times he or she may not have had the right. When does someone have the right to control your behavior?

- Do your parents have the right to require you to be home at a certain time? Why or why not?
- Do you have the right to make your younger brother or sister leave the TV set alone? Why or why not?
- Does your principal have the right to require you not to leave the school campus during the school day? Why or why not?

- Does your friend have the right to force you to do something you do not want to do? Why or why not?
- Does the government have the right to require you to obey a law that you believe is wrong? Why or why not?

To answer these questions, we need to know the difference between power and authority. Although there may be more than one way to define these terms, for our purposes we will use the following definitions:

- Power is the ability to control or direct something or someone. Sometimes people have the right to use power; sometimes they do not.
- When a thief robs you at gunpoint, he has the power to do so. He does not have the right.
- When the Supreme Court says a law is unconstitutional, it has both the power and the right to do so.



How do justices of the U.S. Supreme Court acquire both power and authority to declare laws unconstitutional?

- **Authority** is power combined with the right to use that power. The right to use power usually comes from laws, customs, or principles of morality.
- Police officers have the authority to arrest a person because the law gives them that right.
- Congress has the authority to pass a law because the Constitution gives it that right.

Critical Thinking Exercise

DESCRIBING THE DIFFERENCE BETWEEN AUTHORITY AND POWER WITHOUT AUTHORITY

To help you understand the difference between authority and power without authority, read the sentences below and answer the questions that follow. Be prepared to explain your answers to the class.

1. Police officer Karen Weidman gives Allison Green a ticket for speeding.
2. Jerry Robinson tells Marty Karinsky to stay away from his girlfriend or Jerry will "take care of him."
3. Judge Alvarez places Maggie Jones on probation.
4. The government imprisons Juan Rodriguez for refusing to serve in the army during the Vietnam war because of his belief that it is morally wrong to kill.



Do you think the government should have had the authority to arrest those who burned their draft cards to protest the Vietnam war?

5. Arturo Lopez tells his daughter that she will have to stay home all week because she was out past her curfew on Saturday night.
6. Bob Jackson, who is bigger than most of his classmates, cuts in front of the cafeteria line.

7. Jane Doe, the owner of an illegal gambling house, tells a customer to pay his debt or prepare for trouble.
8. Two members of a gang shoot and cripple Eddie Kane for revenge.
9. Ali Darwish tells the two girls sitting next to him in the movie theater to move because they are making too much noise.
10. The manager tells Sally Hu that she is not allowed to smoke in the "no smoking" section of the restaurant.

What do you think?

1. Which situations illustrate the use of authority? Why?
2. Which situations illustrate the use of power without authority? Why?
3. Why is it important to know the difference between authority and power without authority?

Using the Lesson

1. While you are studying Authority, you should keep a journal. Begin by writing brief descriptions of four real or imaginary incidents that illustrate the use of authority and the use of power without authority. Make two of the descriptions examples of authority and the other two examples of power without authority. You may use incidents from your experiences or from newspapers, magazines, books, television, or movies.
2. Bring two newsclippings to class that illustrate the use of authority or power without authority and explain them.

LESSON 2

What Are Some Sources of Authority?

Purpose of Lesson

In this lesson you will learn where to find authority and some common arguments made to justify authority. When you have finished the lesson, you should be able to identify examples of authority and explain different arguments about its sources and justification.

Terms to Know

roles	divine right
institutions	consent
supreme being	source of authority
monarchies	aristocracies

Where can you find authority?

Where can you find authority? Every day we can see examples of people who have the authority to govern us and how we act. Parents, teachers, police officers, and government officials are just some of the people who have the authority to control our actions. Rules and laws also control or influence our behavior. Some of the most common places we can find authority include the following:

- **Rules and Laws.** Rules and laws control people's behavior. In this sense, they have authority. For example, when you obey a law requiring you to attend school, you are recognizing the authority of that law.
- **Customs.** Customs are ways of behavior that people have engaged in for a long time. When customs control people's behavior, they may be said to have authority. For example, when you follow the practice of "first come, first served," you are recognizing the authority of a well-established custom.
- **Roles.** Certain roles carry with them the right to control people, no matter who fills these roles. For example, anyone filling the role of a police officer has the authority to require people to obey traffic laws.
- **Institutions.** Groups of people working together in certain institutions also have the authority to control or influence others. For example, Congress as an institution, and not its individual members, has the authority to pass laws that people must obey.



What is the source of Congress's authority to enact laws?

- **Principles of Morality.** Fundamental ideas about right and wrong that come from religion, ethics, and individual conscience often govern our behavior. For example, the Bible has authority for many people.

Where does authority come from?

We have seen that authority may be found in a number of places, but where does it come from? How do certain roles, institutions, laws, customs, and moral principles get the authority, or right, to control our behavior? Where does the police officer get the right to tell us what to do? Why do some people believe that the Bible has the authority to govern their actions? Where does Congress get the right to pass laws we must obey? In short, what is the source of authority?

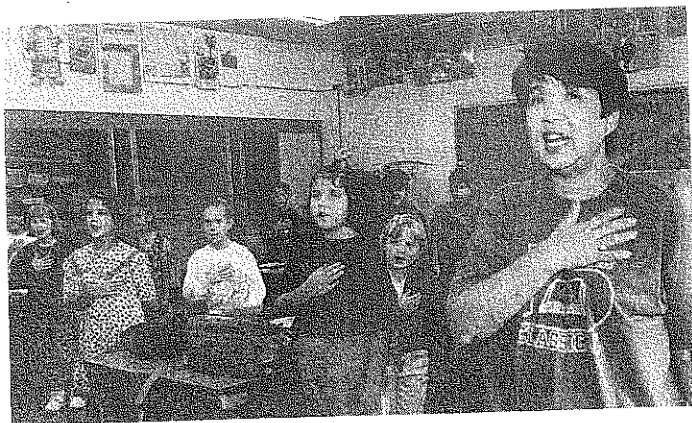
Sometimes the source of authority for a rule or a position may be traced back through a number of steps. For example: the authority of a teacher to maintain order in the class can be traced back to the principal in charge of the school, who hired the teacher, to the superintendent who appointed the principal, and to the board of education that appointed the superintendent. From here it can be traced back to the state board of education, and to the laws that gave it the authority to make regulations about how schools should be run. Finally, authority can be traced to the state legislature that made the laws, and to the state constitution that established the state legislature.

Eventually, however, we can ask, "What is the ultimate or final source of authority for government? For customs? For moral principles?" Depending on the answers, we may conclude that claims to authority are justified or unjustified. That is, examining the source of authority for a government, a custom, or a moral principle can help us decide whether we ought to obey it. For example: the ultimate authority of some customs may be simply that they have been followed for so long they are accepted without thought. If these customs are not supported by any good reason, you might decide not to follow them.

What arguments are made to justify the authority of rulers and governments?

Historically, rulers or governments have claimed their authority from one or more of the following sources:

- **Birth.** Some rulers have said that they inherited their authority from earlier rulers who received their right to govern from a Supreme Being. Hereditary monarchies and aristocracies have made such claims.
- **Knowledge.** Some people have claimed that those with superior knowledge should have the right to rule.
- **Consent of the Governed.** Many governments today claim that their authority comes from the people who are the ultimate source of authority. The people give their consent to the government and agree to be ruled by it.
- **A Supreme Being.** Rulers have often claimed that their authority comes from a Supreme Being or God. For example, kings and queens have often said they rule by divine right; that is, they get their authority from God.



How do the words in the Pledge of Allegiance reflect the idea of consent of the governed as a source of government authority? In what other ways do people exhibit their consent to be ruled by the government?

Why is it important to know the source of authority?

We need to know the source of people's authority to determine if they have the right to do what they are doing. If we know, for example, that the Constitution gives certain powers to Congress, we can look at the Constitution to judge whether or not a law passed by Congress is within the limits of its authority. We can also ask for the source of the Constitution's authority. In our democratic form of government, the authority of the Constitution comes from the consent of the people.

People have different ideas about what should be considered to be a source of authority. They also may differ on which sources of authority should be considered more important or higher than others. To discuss such questions, it is necessary to identify and evaluate different sources of authority.

Critical Thinking Exercise

IDENTIFYING SOURCES OF AUTHORITY

Each of the following selections deals with a different source of authority. Your teacher will divide your class into five groups to complete this exercise. Each group should read the selection assigned to it, discuss the questions that follow, and choose a spokesperson to report the group's answers to the class.

Group 1: The Law of Hospitality

This selection is adapted from *The Story of the Rheingold*, a folk tale from German and Scandinavian literature. It explains why the hero, Siegmund, could feel safe spending the night at the castle of his sworn enemy, Hunding.

There were three reasons why Siegmund had to spend the night in Hunding's castle. First, Siegmund was too brave a hero to fly from danger. Second, Siegmund did not want to leave the beautiful maiden alone with Hunding, the cruel and evil robber. Third, Hunding had said, "Custom makes you safe as a guest in my house." This meant that it would be unfair and wrong for Hunding to harm Siegmund while he was taking shelter under Hunding's roof. This was called the Law of Hospitality. Just as no host ever harmed a guest, no honorable guest ever took advantage of the law. If Siegmund had run away in the night with the maiden, after Hunding had so well observed the Law of Hospitality, he would have been dishonorable as well as cowardly. It was just as though Siegmund had given a promise to Hunding that he would not go away that night.

What do you think?

1. What is a custom?
2. How can a custom be a source of authority?
3. What are other examples of authority that have their source in custom or tradition?
4. What are some advantages and disadvantages of being bound by custom?

Group 2: *Tinker v. Des Moines Independent School District* (1969)

In December 1965, a small group of students and their parents in Des Moines, Iowa, decided to express their opposition to the Vietnam War by wearing black armbands. The principals of the public schools heard of the plan and adopted a policy specifically prohibiting students from wearing black armbands and peace symbols in school. The Tinker children knew of the school policy and understood they would be suspended if they disobeyed the rule. On December 16 and 17, they wore black armbands to school. No disruptions of classroom activities, no demonstrations, and no threats of violence occurred.



What might the Tinker children claim as the source of their authority for wearing black armbands to school?

The principal of the school that the Tinkers attended called the students into his office and asked them to remove the armbands. They refused and were suspended until they agreed to attend school without the armbands. Mr. Tinker filed a complaint on behalf of his children claiming that the school had violated their right to free expression. He said that the children had not interfered

with the rights of other students nor had they disrupted class routine. The school officials argued that they had made the ruling to avoid a disruption of school discipline. Schools, they claimed, were no place for political demonstrations.

The Supreme Court eventually heard the case and ruled in the students' favor. The Court claimed that the wearing of armbands was a form of expression that was protected under the First Amendment. In the majority opinion the Court stated, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

What do you think?

1. What was the source of authority for the school's policy on wearing armbands?
2. What was the source of authority for the Supreme Court's decision?
3. What is the source of authority for the Constitution?
4. What are some advantages and disadvantages of being bound by the Constitution?

Group 3: "On the Duty of Civil Disobedience"

The selection below is adapted from an essay by the American essayist, Henry David Thoreau (1817–1862). Thoreau chose not to pay his poll tax as a form of protest against slavery and the war with Mexico. Authorities arrested him and he spent a night in jail. A few years later in 1849, he wrote the now classic defense of individual conscience, "On the Duty of Civil Disobedience."



What did Henry David Thoreau claim as the source of authority for his protest against the Mexican-American War of 1846?

Must the citizen ever give up his or her conscience to the legislator? Why does every person have a conscience then? I think we should be human beings first and subjects afterward. It is not desirable to cultivate a respect for the law so much as a respect for what is right. The only obligation I have is to do what is right. Law never made people act justly. In fact, many people who respect the law act unjustly because of it. A common and natural result of an undue respect for law is the following example: you have a line of soldiers—colonel, captain, corporal, privates—all marching in order over hill and dale to wars that are against their common sense and conscience. They have no doubt that the wars are wrong. They are all peacefully inclined. Now, what are they—people or small moveable forts and guns at the service of those in power?

What do you think?

1. What sources of authority does Thoreau write about?
2. How can individual conscience or a personal sense of morality be a source of authority?
3. Is there a higher law than that of the government? Why or why not?
4. When, if ever, should a person refuse to obey a law he or she thinks is unjust?

Group 4: The Mayflower Compact

The wind carried the Mayflower and its passengers to a place in the New World that was further north than they intended. Finding themselves outside the jurisdiction of their original charter from the Virginia Company, the Pilgrims decided to create their own government. In November 1620, they drew up an agreement that the forty-one men aboard the ship signed. By the terms of this agreement, known as the Mayflower Compact, the Pilgrims agreed to govern themselves.

In the Mayflower Compact, the Pilgrims decided, "there should be an agreement that we should combine together in one body, and submit to such government and governors as we should by common consent agree to make and choose." They agreed that it was best "to combine together into a civil body politic" that would create laws, constitutions, acts, and offices that were thought to be for the general good of the colony. The Pilgrims agreed to follow and obey this authority that they had created by their mutual consent.



What source of authority might the governor of Plymouth Colony claim under the Mayflower Compact?

The Mayflower Compact remained in force from 1620 until 1691, when the colony at Plymouth became part of the Massachusetts Bay Colony.

What do you think?

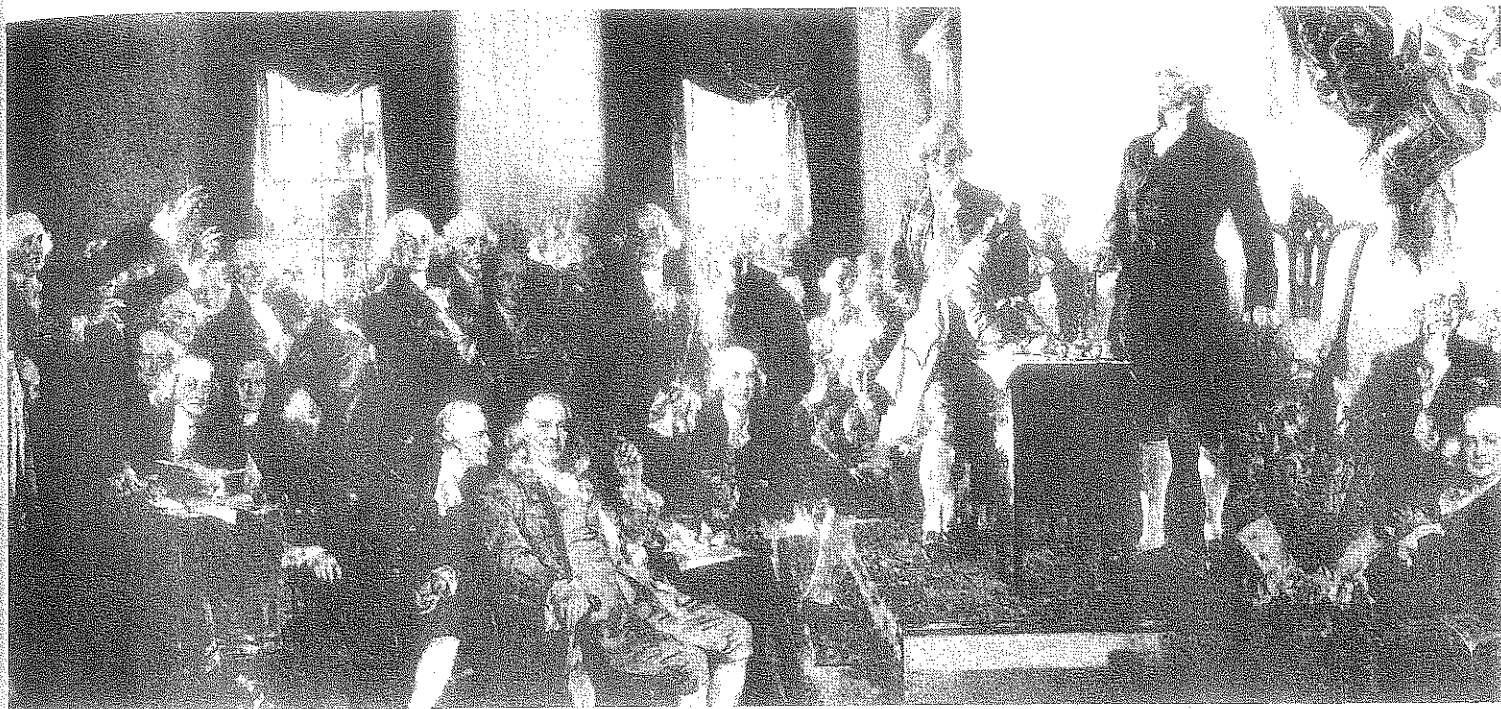
1. What was the source of the authority of the Mayflower Compact?
2. What was the belief underlying the Mayflower Compact about the source of a government's authority to make laws?
3. If some on board the ship had refused to sign, would they have been bound to obey it?
4. Since the men did not ask the women to sign the Compact, were they bound by its authority? Were children? Why or why not?

Group 5: The Constitution of the United States

The Constitution of the United States was drafted in Philadelphia in 1787. It did not become effective until the states ratified it. The following excerpts from the Constitution identify the source of the federal government's authority.

Preamble

We the People of the United States, in Order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.



What source of authority might the Framers claim for the Constitution of the United States?

Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Article II

Section 1. The executive Power shall be vested in a President of the United States of America.

Article III

Section 1. The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

What do you think?

1. What is the source of authority for the Constitution?

2. What is the source of authority for the Congress? For the president? For the Supreme Court?
3. What beliefs about the source of authority of government underlie the Constitution? Do you think these beliefs are justified? Why or why not?

Using the Lesson

1. In your journal briefly describe three situations from your experience in which you exercised authority that came from different sources.
2. Consider the authority of a police officer who gives someone a ticket for speeding. Draw a chart or illustration that traces the authority of the officer back to its ultimate source. Be prepared to explain your chart to the class.
3. Write an editorial either opposing or defending the position of the Tinker children. Describe the source of authority for their actions.